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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,417	12/06/2001	Jin-seok Hong	Q65283	5427
7590	05/18/2005		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC Suite 800 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3213			SHARMA, SUJATHA R	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/003,417	HONG, JIN-SEOK	
	Examiner	Art Unit	
	Sujatha Sharma	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 December 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1,2,4,6,7,12,13,15,17,18,21 are rejected under 35 U.S.C. 102(a) as being anticipated by Hwang [WO 00/74275].

Regarding claims 1,6,12,17,21 Hwang discloses a method of novel system for handoff where a channel construction of a base station is disclosed. Hwang further discloses a base station/a wireless communication apparatus transmitting and receiving data wirelessly, comprising:

- a transmitting portion for transmitting the data through at least one frequency channel. See page 8, lines 18-27
- controller for obtaining a number of transmittable channels of a counterpart wireless communication apparatus that the wireless communication apparatus intends to communicate with (controller 101 processes the messages received on a forward dedicated control channel, the said message related to packet data service i.e. message indicating number of supplemental channels required by the counterpart wireless apparatus), and processing to transmit the data through the transmitting portion according to the obtained number of transmittable channels (the controller 101 enables/disables the individual channel generators and thus assigns/releases supplemental channels). See page 8, lines 18-35.

Regarding claims 2,13, Hwang discloses the base station/wireless communication apparatus of claim 1, wherein when the counterpart wireless communication apparatus receives the data through a plurality of frequency channels, the controller transmits the data through the plurality of frequency channels to the counterpart wireless communication apparatus (the controller 101 enables/disables the individual channel generators and thus assigns/releases supplemental channels). See page 8, lines 18-35.

Regarding claims 4,7,15,18 Hwang further discloses a method wherein the at least one frequency channel includes a basic channel for supporting a communication with other wireless communication apparatuses having a single channel/fundamental channel, and a plurality of additional channels consecutively or inconsecutively positioned with respect to the basic channel. See page 8, lines 18-35.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3,10,14,23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang [WO 00/74275] in view of Rune 2003/0012173].

Regarding claims 3,10,14, Hwang discloses all the limitations as claimed. However he does not disclose a method wherein, when the wireless communication apparatus is operated as a

master, the controller obtains the number of transmittable channels of the counterpart wireless communication apparatus, by performing an inquiry operation with the counterpart wireless communication device. Hwang obtains the number of transmittable channels from the counterpart wireless communication device on a forward-dedicated control channel

Rune, in the same field of endeavor, discloses a method where the base station/wireless communication apparatus polls a slave/counterpart wireless communication device to obtain frequency information. See Page 1, paragraphs 6,7,8; summary of invention, page 4, paragraphs 50,52.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Rune to Hwang in order to reduce the signaling information and thus efficiently utilize the network resources.

Regarding claim 23, Rune further discloses a method of operating a piconet by configuring the wireless apparatuses in a master/slave environment. See summary of invention.

5. Claims 5,8,16,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang [WO 00/74275] in view of Bluetooth specifications [XP-002214950].

Regarding claims 5,8,16,19, Hwang discloses all the limitations as claimed. Hwang further discloses the method of assigning a fundamental channel and supplemental channels wherein the fundamental channel and supplemental channels will become traffic channels. However he does not disclose a method wherein, while transmitting the data in

parallel, the controller applies a frequency hopping pattern to the plurality of additional channels, corresponding to a frequency hopping pattern applied to the basic channel.

Bluetooth Specifications teaches a method where the hop frequency applied shall be the hop frequency as applied in the time slot where the packet transmission was started i.e. when applying this teaching to Hwang the hop frequency applied to the basic/fundamental channel at the beginning of the transmission will be applied to the consecutive supplemental channels as well. See section 2.3.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Bluetooth specifications to Hwang in order to reduce the interference in the system while accessing frequency channels and thus improve the performance of the system.

6. Claims 9,21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang [WO 00/74275] in view of Rinchiuso [US 20020090004].

Regarding claims 9,21, Hwang discloses all the limitations as claimed. Hwang further discloses a method of assigning supplemental channels in addition to the basic/fundamental channel to transmit information to the counterpart wireless communication device.

Hwang, however, does not disclose a method wherein, when the data for transmission is real time data, the controller grades the real time data, and transmits essential data of a basic grade for utilization of the real time data through the basic channel, and transmits the data of other grades through the plurality of supplemental channels.

Rinchiuso teaches a method for scheduling and allocating data in a broadband communication system. Rinchiuso further discloses a method where the controller in the base station sets the grade or quality of service (QoS) for the fundamental channel carrying voice traffic and the supplemental channel carrying data traffic independent of each other before transmission. See page 1, paragraph 7.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Rune to Hwang in order to efficiently utilize the system resources and provide high-quality voice services.

7. Claims 11,22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang [WO 00/74275] in view of Uchida [US 20010055973].

Regarding claims 11,22, Hwang discloses all the limitations as claimed. Hwang further discloses a method of assigning supplemental channels in addition to the basic/fundamental channel to transmit information to the counterpart wireless communication device.

Hwang, however, does not disclose a method wherein when the counterpart wireless communication apparatus receives the data through one channel, the controller transmits the data through a basic channel.

Uchida, in the same field of endeavor, discloses a method where data is transmitted on a basic channels and a supplemental channel is assigned only if required. See page 3, paragraph 45.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Uchida to Hwang in order to efficiently utilize the system resources.

Response to Arguments

1. Applicant's arguments filed 12/10/2004 have been fully considered but they are not persuasive.

The applicant argues that the Hwang reference does not disclose a method of obtaining a number of transmittable channels of a counterpart wireless communication apparatus and further the controller transmits data through the transmitting portion according to the number of transmittable channels.

The examiner respectfully disagrees and draws the applicant's attention to the Hwang reference. Hwang discloses a method where a message is received in the physical layer of the base station and further a method where this message that is related to packet data service is processed and accordingly the number of supplemental channels are assigned to transmit the required data by the counterpart wireless communication apparatus. The supplemental channels here is the transportable channels since they transport the required amount of data by the counterpart wireless communication apparatus. See page 8.

Therefore in view of this, the rejection of the claims 1-23 as discussed in the previous office action and as discussed above is considered proper.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2684

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sujatha Sharma
May 9, 2005


NICK CORSARO
PRIMARY EXAMINER